

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 16, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-20184 - APPLICANT: LAS VEGAS CARRIAGES LLC -
OWNER: BAPTIST MISSION TO ENGLAND, INC**

**** CONDITIONS ****

The Planning Commission (5-0-1/rt vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to Las Vegas Municipal Code section 6.44 and 11.39 regarding route, licensing and operational restrictions for animal-drawn vehicles.
2. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.
4. There shall be a review of this item in one year by the Planning Commission.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This request for a Special Use Permit to operate horse drawn carriage rides within downtown Las Vegas. (Arts District). The proposed base location is in an existing building located at 1060 S. Main Street. This location will be used to stable the horse(s) and provide storage for the carriage(s). Improvements will be made to the rear portion of the building to provide a suitable stable facility for the horse. Operation of the carriage rides will occur on pre-determined street routes during specified times within the downtown area.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/21/2006	A Temporary Commercial Permit (TCP-17028) was issued to allow a Horse Carriage operation from 10/05/2006 to 04/05/2007.
01/03/2007	A Text Amendment (Ordinance #5875) was approved to adopt an updated version of the Las Vegas Downtown Centennial Plan together with related development standards and to provide for other related matters, which included allowing horse drawn carriages in the Arts District with a Special Use Permit.
03/22/2007	The Traffic and Parking Commission recommended approval of the operational routes, time schedules, parking areas and passenger loading and unloading areas. This item will be forwarded to City Council on 05/16/07 and will be heard concurrently with this afternoon item.
Current	H12-90770-2-132994 – Business license application for Horse and Carriage Operation. License pending approval of Traffic and Parking Commission and City Council.
04/12/07	The Planning Commission voted 5-0-1/rt to recommend APPROVAL (PC Agenda Item #15/lhm).
<i>Pre-Application Meeting</i>	
02/23/2007	Discussed the Downtown Centennial Standards and requirements by other departments.
<i>Neighborhood Meeting</i>	
7/14/2005	A neighborhood meeting is not required as part of this application request, nor was one held. However, the applicant has met with, and received favorable recommendations from the Las Vegas Art's District, Downtown Business Operators Council and the Gateway District Neighborhood Association.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.275 (12,002.91 square feet)

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Museum/Offices	C (Commercial)	C-M (Commercial / Industrial)
North	Retail	C (Commercial)	C-M (Commercial / Industrial)
South	Storage Yard	C (Commercial)	C-M(Commercial / Industrial)
East	Retail	C (Commercial)	C-2 (General Commercial)
West	Warehouse	LI/R (Light Industrial / Research)	M(Industrial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan (Las Vegas Arts District)	Y		Y
Redevelopment Plan Area	Y		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Downtown Overlay District	Y		Y
A-O Airport Overlay District (200 Feet)	Y		Y
Trails		N	N/A
Rural Preservation Overlay District		N	N/A
Development Impact Notification Assessment		N	N/A
Project of Regional Significance		N	N/A

A-O Airport Overlay District

The subject site is an existing one-story building and is not affected by the 200-foot height restriction.

Downtown Centennial Plan and Downtown Redevelopment Area

The subject site is located within the Downtown Centennial Plan and the Downtown Redevelopment Area on the Southeast Sector Plan Map of the General Plan. These special overlay districts contain standards for redevelopment that are intended to stimulate revitalization of the City's historic urban core.

Development Standards

Projects within the Las Vegas Arts District are exempted from the automatic application of Title 19.10 Parking and Loading Standards and Title 19.12 Landscape and Buffer Standards.

ANALYSIS

The proposed horse and carriage operation is an allowable use with the approval of a Special Use Permit as stated in the Downtown Centennial Plan, Section D, 18b The Las Vegas Arts District. The proposed use will commence from the back of a building located at 1060 S. Main Street.

The submitted site plan indicates the overall building is approximately 11,000 square feet. This includes a small outdoor area at the back of the building with access to Commerce Street. The existing building is partitioned in half, the front portion labeled as future offices/museum and the back portion labeled as future horse carriage operation. Two 12 X 24 stalls are shown within the outside area at the back of the building. A roll up door allows access to the inside of the building from one of the stalls. Street parking is available at the front and behind the building.

The applicant states upon receiving the Special Use Permit, permits will be applied for to bring the building up to code in order to give the horses access to an indoor facility. Improvements will be made to the interior and the exterior of the property.

In addition to Entitlement approval, the following Las Vegas Municipal Code requirements must be satisfied prior to the operation of a Horse and Carriage. Listed are the pertinent sections of the Municipal Code and what action, if any, has been taken to satisfy stated requirements.

Legislative Determination

Las Vegas Municipal Code Title 11.39.010 declares as a matter of legislative determination that the City has the authority to regulate the use of its streets for the public safety and welfare. This determination allows the City to regulate and make findings for the appropriateness of such slower-moving vehicles as animal-drawn vehicles.

Re: Las Vegas Downtown Centennial Plan

A Text Amendment (Ordinance #5875) was approved to adopt an updated version of the Las Vegas Downtown Centennial Plan together with related development standards and to provide for other related matters, which included allowing horse drawn carriages in the Arts District with a Special Use Permit.

Traffic and Parking Commission

As required by Las Vegas Municipal Code Title 11.39, the proposed routes, time schedules, loading and unloading points for the carriages must be approved by the City Council upon the recommendation of the Traffic and Parking Commission.

Re: On March 22, 2007 the Traffic and Parking Commission recommended approval of the operation subject to the following conditions: (will need to revise below paragraph and replace with T&P conditions of approval).

Review of the request by the Traffic Engineering resulted in the following comments: the proposed routes do not conflict with Chapter 11.39.030, and the carriages will not travel on busy streets such as Charleston Boulevard, Las Vegas Boulevard, 4th Street, Fremont Street and Main Street so they will not disrupt areas with heavy traffic. The routes will have 15-minute, 30-minute or 50-minute rides along the routes. The following five routes were submitted: 1. Fremont East (Daytime); 2. Wedding Chapel; 3. Arts District / North of Charleston; 4. Arts District / South of Charleston; 5. Fremont East (Weekday evenings, weekends and holidays). The carriages are not allowed to operate daily between the hours of 6:00 am and 9:30 am, 3:00 pm and 6:30 pm, except on Saturdays, Sundays and holidays.

Additionally, the operation shall be limited to four carriages. Animal waste shall be removed in a timely manner. The applicant is working with Business Licensing to acquire a business license and address animal health concerns and equipment requirements, which are required prior to Council approval of the license.

Business Licensing

As required by Las Vegas Municipal Code Title 6.44, no person shall operate an animal-drawn vehicle for hire within the City without a business license therefore issued pursuant to this Chapter.

RE: The applicant has submitted a business license (H12-90770-2-132994) application to the City of Las Vegas Office of Business Licensing. The license is currently under review and will be required to conform to the following sections of the Las Vegas Municipal Code Title 6.44:

- 6.44.020 License—Application.
- 6.44.030 License--Requirements.
- 6.44.040 Display of documents and rates.
- 6.44.050 Display of operator's name and address.
- 6.44.060 Hours of operation.
- 6.44.070 Seating.
- 6.44.080 Soliciting--Driver conduct.
- 6.44.090 Animal nuisance control.
- 6.44.100 Vehicle requirements.
- 6.44.110 Animal certification.
- 6.44.120 Animal working conditions.
- 6.44.130 Animal care.
- 6.44.140 Animal harassment.
- 6.44.150 Insurance.
- 6.44.160 Applicability.
- 6.44.170 License fee.

For reference, full details of the above referenced Municipal Code sections are available at the end of the report.

The City of Las Vegas office of Business Licensing states an insurance policy, meeting the requirements, has been secured. The required veterinary certificate, addressing the specific items set out by the ordinance, included if the horse is acclimate to street noises, has been received. Business Licensing has also obtained a checklist to inspect the vehicle and required equipment.

Las Vegas Arts District Neighborhood Association (Meeting Minutes)

On May 24, 2005, Board of Directors heard a proposal for horse drawn carriages in the Arts District. A detailed plan was to be prepared for presentation to the board prior to seeking city approval. The board was enthusiastic about the project.

Later that year, July 14, 2005, the project was presented at a general members meeting. It was approved with no objections and the following recommendations: All existing rules (city and state) regulating animals and animal care will be adhered to. In addition we recommend that at time of the application a detailed plan be submitted for the collection and discard of equestrian droppings, so as to not create a pedestrian or public nuisance. Further, a time frame of 72 hours be the maximum consecutive length of time livestock may be stabled in the district.

The City of Las Vegas Municipal Code

Title 6.44.130 and 11.39 identifies the requirements pertaining to horse-drawn and other animal-drawn vehicles. A condition has been added for adherence to sections of the Municipal code pertaining to horse-drawn vehicles. The following are the sections of the Municipal Code in their entirety:

6.44.020 License--Application.

Applications for a license to operate an animal drawn vehicle business shall be made to the Department of Business Activity. In addition to the information required by Chapter 6.02 of this Code, the applicant shall furnish with the application the following information:

- (A) The number of animal-drawn vehicles to be operated pursuant to the license, and the seating capacity, manufacturer and a scale drawing or photograph of each vehicle;
- (B) A schedule of the rates to be charged passengers during the existence of the license;
- (C) A street map showing the routes to be used by the animal-drawn vehicles;

(D) A schedule of the hours of operation;

(E) The location of the site(s) to be used for off-street storage of vehicles and the stabling of animals;

(F) The location of all curb-side areas to be used for the regular pick-up or discharge of passengers; and

(G) Evidence that the animals which are to be used in the conduct of the business have been acclimated to all street-related noises.

The application shall be verified under oath and penalty of perjury that the information contained therein is correct and true to the best of the applicant's information, knowledge and belief.

(Ord. 3317 §§ 12 (part), 14, 1987)

6.44.030 License--Requirements.

Prior to the issuance of any license by the Department of Business Activity, the applicant must:

(A) Obtain pursuant to Chapter 11.39 of this Code:

(1) The approval of the City Council upon the recommendation of the Traffic and Parking Commission of the City for all proposed operational routes, and

(2) The approval of the Traffic and Parking Commission for all proposed time schedules, parking areas and passenger loading and unloading areas;

(B) Obtain an Animal Inspection Certificate for each animal to be used in the operation of the business pursuant to Section 6.44.110 of this Chapter;

(C) Obtain the approval of all other State agencies, if any, which may have jurisdiction over the operation of animal-drawn vehicles on public streets, including but not necessarily limited to, the Public Service Commission.

(Ord. 3317 §§ 12 (part), 15, 1987)

6.44.060 Hours of operation.

Animal-drawn vehicles shall not operate daily between the hours of six a.m. and nine-thirty a.m. and three p.m. and six-thirty p.m., except on Saturdays, Sundays and holidays.
(Ord. 3317 §§ 12 (part), 18, 1987)

6.44.090 Animal nuisance control.

- (A) All animals shall have rubber-compound-type horseshoes, or other shoeing approved by the City.
 - (B) Each animal used to pull any vehicle shall be equipped with a manure-catching device approved by the City to hold the manure until the operator is able to place it in a standard wire-tie plastic bag which he shall carry with him for permanent disposal upon returning to the base of operations.
 - (C) Each animal-drawn vehicle shall be equipped with a chemical approved by the City which is to be poured over horse urine by the driver so as to break down and eliminate accumulated agents and odor.
 - (D) Each animal used to pull any vehicle must be trained to accept and cope with all known street noises.
 - (E) Each animal used to pull any vehicle must be treated with insect repellant.
- (Ord. 3317 §§ 12 (part), 21, 1987)

6.44.100 Vehicle requirements.

All animal-drawn vehicles utilized by the licensee in the conduct of his business must comply with the following requirements:

- (A) Each vehicle will have wheels with spokes that have diameters of no less than one and one-four inches and a rubber covering thick enough to protect the streets from damage and to keep noise to a minimum.
 - (B) Each vehicle will be equipped with brakes, taillights, brake lights and turn signals on the rear of the vehicles.
 - (C) Each vehicle will be equipped with front lights on both sides that will emit light to the front and side that will be visible from a distance of five hundred feet.
 - (D) Each vehicle will be equipped with a slow-moving vehicle sign approved by the State of Nevada and attached to the rear of the vehicle.
 - (E) No vehicle shall be larger in capacity than to transport five passengers, including the driver, and shall be equipped with seat belts for all passengers.
 - (F) Each vehicle must comply with all applicable State statutes or regulations.
 - (G) Each vehicle must be operated by a vehicle driver who has been properly trained in the handling and control of animal-drawn vehicles for a minimum of two weeks.
- (Ord. 3317 §§ 12 (part), 22, 1987)

6.44.110 Animal certification.

(A) Prior to the issuance of a license, and every ninety days thereafter, the City Veterinarian or a veterinarian designated by the Director of Animal Control shall inspect each animal used in the operation of the licensee's business and certify through the issuance of an Animal Examination Certificate that the animal meets the following minimum requirements:

(1) The animal pulling any vehicle with passengers must weigh at least nine hundred pounds and a minimum of fifteen hands high.

(2) The animal must have no open sores or wounds, not be lame nor have any other ailment or disease. No animal found to have an ailment or disease shall be used without the approval of the City Veterinarian or a veterinarian designated by the Director of Animal Control.

(3) The hoofs of the animal must be properly shod and trimmed.

(4) The animal must be groomed daily, be in good condition without fungus, dandruff, dirty coat or any evidence of skin disease.

(5) The animal must have adequate flesh and muscle tone.

(6) The animal must be acclimated to street noises.

(B) The City Veterinarian or a veterinarian designated by the Director of Animal Control shall issue a separate Animal Examination Certificate for each animal inspected, identifying the animal examined and the date of the examination and certifying that the animal meets the general health requirements of this Section.

(C) For purposes of this Chapter, each animal shall be identified by age, color, sex and other obvious markings and by means of a photograph.

(D) For each Animal Examination Certificate, a fee of thirty dollars shall be charged by the City Veterinarian or a veterinarian designated by the Director of Animal Control.
(Ord. 3317 §§ 12 (part), 23, 1987)

6.44.120 Animal working conditions.

All persons licensed under this Chapter must provide the following working conditions for animals used pursuant to that license:

(A) No vehicle pulled by an animal may hold more than five passengers, including the driver.

(B) No animal may be required to work more than eight hours in any twenty-four-hour period or more than six days in any seven-day period.

(C) Each animal must be provided with a ten-minute rest period each hour and a one-hour rest period every four hours.

(D) No animal may be required to pull a vehicle at a speed faster than a slow trot.

(E) No animal may be worked with equipment causing an impairment of vision, other than normal blinders.

(F) No animal may be subjected to any condition or treatment which will impair the good health and physical condition of the animal.

(G) Each animal must be provided with its own custom-fitted harness, properly oiled and cleaned so as to be soft at all times. The harness must be kept free of makeshift wires, sisal ropes and rusty chains.

(H) No animal may be whipped, unless the whipping is necessary for the safety of the animal or passengers.

(I) Adequate water must be provided to each animal at hourly intervals.

(J) No animal may be required to work when the temperature exceeds ninety degrees Fahrenheit as measured along the operational routes for the animal-drawn vehicles.

(K) No animal may be equipped with devices intended to alter or impair its natural or normal movement.

(L) Each animal must have reached its third birthday.

(Ord. 3317 §§ 12 (part), 24, 1987)

6.44.130 Animal care.

Each animal used in the operation of a animal-drawn vehicle business must be kept and maintained in accordance with the following conditions:

(A) Adequate shade and ventilation must be provided for stalls.

(B) Ceilings in the stalls or corrals must be at least ten feet high from the bedding and flooring.

(C) Bedding in the stalls or corrals must be at least six inches deep and dry enough so as not to show wetness under the pressure of the animal's hooves.

(D) Foot hazards and sharp surfaces are not permitted in any area where they may come in contact with the animal.

(E) Roofs must be kept free of leaks where the animal is kept.

(F) Each animal must have a stall large enough for the animal to turn around.

(G) Food and water must be kept free of contamination, and adequate water must be available at all times.

(H) Animal areas must be treated to destroy and repel insects.

(I) Stalls and corrals must be kept in a clean, dry and reasonably sanitary condition.

(Ord. 3317 §§ 12 (part), 25, 1987)

6.44.140 Animal harassment.

It is unlawful for any person to harm, harass, tease, frighten or annoy any animal drawing a vehicle upon a public street within the City or to interfere with the driver of the vehicle in his management or control of the animal.

(Ord. 3317 §§ 12 (part), 26, 1987)

6.44.150 Insurance.

(A) Before any license required in this chapter is issued, the applicant shall obtain and maintain, at its own expense during the existence of its license or the operation of its business, a comprehensive general public liability insurance in the amount of one million dollars, combined single limit, with an excess umbrella policy of five million dollars. Coverage under this policy shall include as a minimum the following: premises/operation, independent contractors, bodily injury, property damage, products/completed operation, contractual liability and operation of animal-drawn vehicle.

(B) Insurance coverage shall be issued by a carrier licensed within the State of Nevada and approved by the City Attorney.

(C) A certificate of insurance shall be provided to the Department of Business Activity prior to the issuance of a business license.

(D) Any coverage provided in this section shall also contain a provision that the cancellation, or material change in the coverage, of the insurance provided under this section shall not become effective until the City has been given sixty days' prior written notification.

(E) The City shall be named as an additional insured party under this insurance.

(Ord. 3317 §§ 12 (part), 27, 1987)

Chapter 11.39 HUMAN-POWERED AND ANIMAL-DRAWN VEHICLES

11.39.060 Operation restrictions.

Rickshaws, pedicabs and animal-drawn vehicles may be operated on approved routes, subject to the following restrictions:

(A) The vehicles shall pick up and discharge passengers only at designated stands approved by the Traffic and Parking Commission.

(B) The vehicles shall park only in designated stands approved by the Traffic and Parking Commission.

(C) Except when making left turns, the vehicles shall be operated only in the traffic lane nearest the curb on any public street and the driver shall obey all applicable State and local traffic laws, ordinances and regulations.

(Ord. 3317 §§ 1 (part), 10, 1987)

11.39.070 Council authority over Commission actions.

There is reserved to the City Council the power to reverse, modify or confirm any action of the Traffic and Parking Commission under this Chapter if any member of the City Council makes a request to review the decision to the Secretary of the Traffic and Parking Commission within fourteen days of the date of the decision of the Traffic and Parking Commission. If any member of the City Council makes such a request, the matter shall be placed on the agenda for the next meeting of the City Council and the decision of the Traffic and Parking Commission shall be stayed until the City Council has acted on the matter.

(Ord. 3317 §§ 1 (part), 11, 1987)

FINDINGS

The following findings must be made for a Special Use Permit:

- 1. “The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed use of a Horse and Carriage operation is considered appropriate for this location. Development in the immediate vicinity is commercial and industrial. The adjacent parcels. Located in an established section of the city adjacent commercial and industrial development carries a C (Commercial) and LI/R (Light Industrial / Research) land use designations.

- 2. “The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is physically suitable for the type and intensity of land use proposed.

- 3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Access to the site is from S. Commerce Street, a 40-foot wide street which provides access to the rear portion of the subject building. The street will be adequate for the horse and carriage entrance and exit, and for the loading and unloading of delivery trucks providing services or supplies related to the horse and carriage operation.

- 4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of this Special Use Permit is consistent with the objectives of the General Plan and will not compromise the public health or the general welfare.

- 5. The use meets all of the applicable conditions per Title 19.04.**

Located within the Arts District of the Downtown Centennial Plan, this use is not subject to the applicable conditions of Title 19.04. The use is subject to compliance of the City of Las Vegas Municipal Code, Chapters: 6.44.130 and 11.39, and any conditions by the City Council.

PLANNING COMMISSION ACTION

There were three speakers in approval and one opposed at the Planning Commission Meeting.
The Planning Commission added condition #4 as shown.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

ASSEMBLY DISTRICT 6

SENATE DISTRICT 3

NOTICES MAILED 879 by City Clerk

APPROVALS 0

PROTESTS 0